

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:13CR46
)	
v.)	FINDINGS AND RECOMMENDATION
)	
TOMAS BARRIOS-SAMANIEGO,)	
)	
Defendant.)	

This matter is before the court on defendant Tomas Barrios-Samaniego's (Barrios-Samaniego) motion to suppress and request for an evidentiary hearing (Filing No. 21). Barrios-Samaniego seeks to suppress statements provided to ICE agents on December 3 and 17, 2012. The government has responded that the government will not seek to offer such statements in the government's case-in-chief but will use evidence of Barrios-Samaniego's booking biographical information and fingerprints obtained by booking officers at the Douglas County Corrections Center on December 2, 2012 (Filing No. 24). Barrios-Samaniego has responded that no evidentiary hearing is necessary in light of the government's stipulation and does not challenge the government's assertion regarding the booking information and fingerprints (Filing No. 28).

IT IS RECOMMENDED to the Honorable Richard G. Kopf, Senior United States District Judge, that the motion to suppress (Filing No. 21) be granted as to statements made to the ICE agents on December 3 and 17, 2012.

ADMONITION

Pursuant to NECrimR 59.2 any objection to this Findings and Recommendations shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Findings and Recommendations. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 3rd day of April, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge